

December 6, 2007

Daniel J. and Jean M. Puerini
596 Nanaquaket Road
Tiverton, Rhode Island 02878

Re: Tiverton Zoning Board Relief; Map 1-8, Block/Plat 90, Card/Lot 14

Dear Mr. & Ms. Puerini:

The following is the decision on your petition heard by the Zoning Board of Review (the "Board") on December 5, 2007 for a variance from Article V, Sections 1 and 3.d. of the Tiverton Zoning Ordinance to subdivide one lot into two, leaving an existing home closer to the rear yard setback than allowed and creating two substandard lots on property located at 596 Nanaquaket Road, Tiverton, Rhode Island, at Map 1-8, Block/Plat 90, Lot 14 (the "Premises"), than is currently allowed in an R80 zone.

After the testimony was completed at the public hearing for which due notice was given and a record kept, and after having viewed the premises and the surrounding area, the Board, taking into consideration its knowledge and expertise and after taking into consideration all of the testimony at the public hearing, makes the following findings:

1. That the Premises contains approximately 4.6 acres of land area, more or less, zoned R80.
2. That the petitioner desires to subdivide the existing lot with a dwelling and barn into two lots.
3. That the petitioner testified that the existing lot had been merged from two lots into one and that each proposed lot would be non-conforming to the zoning requirements for minimum lot size once unsuitable land area is deducted from the proposed lot area.
4. That the petitioner offered no evidence to show that the hardship to meet the minimum lot area was not self imposed.
5. That the proposal to create two undersized non-conforming lots is not consistent with the Comprehensive Plan or the character of the surrounding area.

6. The only expert presented was a registered professional land surveyor. No other experts were offered.
7. No objectors were present.
8. The Board did not find the factual statements and opinions of the petitioner accurate or credible. The Board did not find any basis that the hardship was not self-imposed.

Based on the foregoing, the Board voted unanimously to deny the petitioner's application for a variance, as follows:

- a. Special conditions and circumstances do not exist which are special and peculiar to the land or structure involved, and which are applicable to other lands or structures in the same zoning district, and are due to a physical or economic disability of the petitioner.
- b. Issuance of the requested relief will be contrary to the public interest, and that, owing to special or peculiar site or structural conditions, literal enforcement of the provisions of this ordinance would not result in an unnecessary hardship on the petitioner.
- c. The unnecessary hardship, which the petitioner seeks to avoid, has been imposed by prior action of the petitioner and is based purely for monetary gain or loss.
- d. The granting of the requested variance will alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based.
- e. Relief from the provisions of this ordinance is not the least relief necessary to remove the unnecessary hardship.
- f. That nonconforming use of neighboring lands, structures or buildings in the same district, and permitted use of lands, structures or buildings in an adjacent district did not form the grounds for the application of this variance request.
- g. That the hardship that will be suffered by the petitioner of the subject property if the dimensional variance is not granted does not amount to more than a mere inconvenience.

This decision must be recorded in the Land Evidence Records in the Town Clerk's Office. (Please note that the appeal period (20 days) begins when this decision is recorded and posted with the Town Clerk's Office).

Sincerely,

David Collins, Chairman
Tiverton Zoning Board of Review